

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
MONTY HIDDEN dba)
HIDDEN BRICK COMPANY,)
Appellant,)
v.)
SOUTHWEST AIR POLLUTION)
CONTROL AUTHORITY,)
Respondent.)

PCHB No. 598

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being a \$50.00 open fire violation; having come on regularly for hearing before the Pollution Control Hearings Board on the 15th day of August, 1974, at Vancouver, Washington; and appellant, Hidden Brick Company, appearing pro se and respondent, Southwest Air Pollution Control Authority, appearing through its attorney, James D. Ladley; and Gayer Dominick (hearing examiner) present at the hearing and the Board having considered the transcript, exhibits, records and files herein and having entered on the 13th day of November, 1974, its proposed Findings of Fact, Conclusions of Law and Order, and the Board

1 having served said proposed Findings, Conclusions and Order upon all
2 parties herein by certified mail, return receipt requested and twenty
3 days having elapsed from said service; and

4 The Board having received no exceptions to said proposed Findings,
5 Conclusions and Order; and the Board being fully advised in the premises;
6 now therefore,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed Findings
8 of Fact, Conclusions of Law and Order, dated the 13th day of November,
9 1974, and incorporated by this reference herein and attached hereto as
10 Exhibit A, are adopted and hereby entered as the Board's Final Findings
11 of Fact, Conclusions of Law and Order herein.

12 DONE at Lacey, Washington, this 13th day of December, 1974.

3 POLLUTION CONTROL HEARINGS BOARD

14 Walt Woodward
15 WALT WOODWARD, Chairman

16 W. A. Gissberg
17 W. A. GISSBERG, Member
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26 FINAL
27 FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

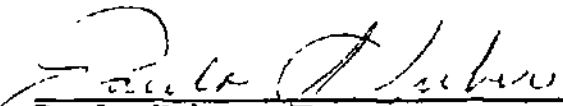
CERTIFICATION OF MAILING

I, Paula Huber, certify that I deposited in the United States mail, copies of the foregoing document on the 17th day of December, 1974, to each of the following named parties, at the last known post office addresses, with the proper postage affixed to the respective envelopes:

Mr. Richard M. Hidden
Vice President
Hidden Brick Company
2610 Kauffman Avenue
Vancouver, Washington 98660

Mr. James D. Ladley
Boettcher, LaLonde, Kleweno,
Lodge, Ladley & Witteman
P. O. Box 938
Vancouver, Washington 98660

Southwest Air Pollution Control
Authority
7601 H Northeast Hazel Dell Avenue
Vancouver, Washington 98665


Paula Huber
POLLUTION CONTROL HEARINGS BOARD

FINAL FINDINGS OF
FACT, CONCLUSIONS OF
LAW AND ORDER

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
MONTY HIDDEN)
d.b.a. HIDDEN BRICK COMPANY,)
Appellant,)
v.)
SOUTHWEST AIR POLLUTION)
CONTROL AUTHORITY,)
Respondent.)

PCHB No. 598

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

A hearing on this appeal came before the Pollution Control Hearings Board (Gayer Dominick, presiding officer) on August 15, 1974 in Vancouver, Washington.

Appellant appeared pro se; respondent through its attorney, James D. Ladley.

From testimony presented, exhibits examined and transcript reviewed, the Pollution Control Hearings Board makes these

EXHIBIT A

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y, and did not return during the period of time
are concerned.

This witness, the only one presented on behalf of the appellant, frankly conceded that he didn't realize the problem. In response to a question as to whether the fires continued to burn after he had ordered them to be scattered, he responded,

"Well, they didn't continue to burn. They might have smoldered and smoked, but I didn't realize that was the problem. I thought the problem was burning that wood they didn't want us to burn. . . ."

There is here an apparent misunderstanding of the purpose for which the Pollution Control Agency prohibits "burning." Had the notices of violation on days subsequent to February 9th been mailed out each day instead of all being sent out together on February 22nd, it might have served as a warning to the appellant that its effort to stop the "burning" were not adequate for the purpose of preventing pollution. We do not commend the procedure of "bunching" notices of violation as was done in this case.

We come now to a consideration of the facts upon which our Order must be based.

FINDINGS OF FACT

I.

There were six or seven outdoor fires burning on certain property in King County, Washington near the gravel pit of the Redmond Sand and Gravel Company on February 9, 1971. Notice of violation was served on that date on a representative of the J. J. Welcome & Sons Construction Company who gave assurance that the fires would be extinguished.

DONE at Olympia, Washington this 5th day of November, 1971.

POLLUTION CONTROL HEARINGS BOARD

Matthew W. Hill
MATTHEW W. HILL, Chairman

James T. Sheehy
JAMES T. SHEEHY, Member

Walt Woodward
WALT WOODWARD, Member